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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JOSEPH JOHNSON, JR.,
9 Petitioner,
10 v.
11 MELVIN HUNTER, Warden,
12 Respondent.

No. C 05-02064 SI

**ORDER GRANTING REQUEST FOR
JUDICIAL NOTICE AND VACATING
HEARING**

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14 Currently before the Court is respondent's motion to dismiss petitioner's habeas corpus petition
15 for untimeliness. In his opposition brief, petitioner requests that the Court take judicial notice of the
16 case files of Case Nos. 02-CV-1678-SI and 04-CV-0775-SI. The Court agrees with petitioner that
17 review of the above files is necessary for full consideration of the issues presented by respondent's
18 motion. Accordingly, the Court GRANTS petitioner's request (Docket No. 17).

19 Given that the Court must obtain the files from the Federal Records Center, the Court
20 VACATES the hearing currently scheduled for January 20, 2006. The Court will address respondent's
21 motion off calendar.

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23 **IT IS SO ORDERED.**

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25 Dated: January 17, 2006


26 SUSAN ILLSTON
27 United States District Judge
28

United States District Court

For the Northern District of California

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